## REMARKS/ARGUMENTS

### 1.) Claim Amendments

The Applicants have amended claims 1, 24-26, and 28. Accordingly, claims 1-32 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### 2.) Allowable Subject Matter

The Applicants gratefully acknowledge the conditional allowance of claims 15 and 20-23. In light of the amendments and remarks for claim 1 from which claims 15 and 20-23 depend, the allowance of claims 15 and 20-23 is respectfully requested.

### 3.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-6, 9-10, 17, 19 and 24-30 under 35 U.S.C. § 103(a) as being unpatentable over Malladi, et al. (US 2003/0210668) in view of Hwang, et al. (US 2002/0115464). The Applicants have amended the claims to better distinguish the claimed invention from Malladi and Hwang. The Examiner's consideration of the amended claims is respectfully requested.

Claim 1 has been amended to distinguish the claimed invention from Malladi and Hwang. Claim 1 now recites that the feedback information is relates to radio conditions between the wireless communications network and the receiving unit. In addition, claim 1 now recites that the feedback information offset is determined by a feedback information processor that is separate from the receiving unit and that communications are adjusted for the downlink (i.e., communications from the network to the receiving unit). Support for this amended claim is found in the Applicants' specification paragraphs 7, 20, and 26.

Malladi merely discloses receiving feedback information relating to the receiving unit. As discussed by the Examiner, Malladi does not determine a feedback information offset of the receiving unit. Hwang teaches determining a power offset by the receiving unit and utilizing this offset to change radio communications from the receiving unit to the network.

On the other hand, the Applicants' invention utilizes a feedback information processor that is located separate from the receiving unit. In addition, the feedback offset information is related to radio conditions between the wireless communication network and the receiving unit. The Applicants' invention also utilizes the feedback information offset to adjust the downlink communications.

Hwang merely discloses determining a offset by the receiving unit. This is distinctly different than the Applicants' invention which provides a separate processor which is not located with the receiving unit to determine an offset. The Applicants' primary objective is to correct unreliable feedback received from the receiving unit. Therefore, determining an offset by the receiving unit will not eliminate this problem. In addition, Hwang discloses merely creating a power offset, not a feedback offset related to radio conditions between the wireless communication network and the receiving unit. Additionally, Hwang discloses adjusting the uplink communications (i.e., from the receiving unit to the network) rather than adjusting the downlink communications as claimed by the Applicants. Therefore, the allowance of claim 1 is respectfully requested.

Claims 2-5, 9-10, 17, and 19 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2-5, 9-10, 17, and 19 is respectfully requested.

In regards to claim 24, claim 24 has been amended to distinguish the claimed invention from Malladi and Hwang. Claim 24 now recites that the feedback information is related to radio conditions between the wireless communications network and the receiving unit. In addition, claim 24 now recites that the code segment is determined at a location separate from the receiving unit and that communications are adjusted for the downlink (i.e., from the network to the receiving unit). Support for this amended claim is found in the Applicants' specification paragraphs 7, 20, and 26.

As discussed above, Hwang merely discloses determining a offset by the receiving unit. This is distinctly different than the Applicants' invention which provides a separate processor which is not located with the receiving unit to determine an offset. In addition, Hwang discloses merely creating a power offset, not a feedback offset related to radio conditions between the wireless communication network and the

receiving unit. Additionally, Hwang discloses adjusting the uplink communications (i.e., from the receiving unit to the network) rather than adjusting the downlink communications. Therefore, the allowance of claim 24 is respectfully requested.

In regards to claim 25, claim 25 has been amended to distinguish the claimed invention from Malladi and Hwang. Claim 25 now recites that the feedback information is related to radio conditions between the wireless communications network and the receiving unit. In addition, claim 25 now recites that the processor is separate from the receiving unit and that communications are adjusted for the downlink (i.e., from the network to the receiving unit). Support for this amended claim is found in the Applicants' specification paragraphs 7, 20, and 26.

Hwang merely discloses determining a offset by the receiving unit rather than a separate processor located away from the receiving unit. This is distinctly different than the Applicants' invention which provides a separate processor which is not located with the receiving unit to determine an offset. In addition, Hwang discloses merely creating a power offset, not a feedback offset related to radio conditions between the wireless communication network and the receiving unit. Additionally, Hwang discloses adjusting the uplink communications (i.e., from the receiving unit to the network) rather than adjusting the downlink communications. Therefore, the allowance of claim 25 is respectfully requested.

In regards to claim 26, claim 26 has been amended to distinguish the claimed invention from Malladi and Hwang. Claim 26 now recites that the feedback information is related to radio conditions between the wireless communications network and the receiving unit. In addition, claim 26 now recites that the feedback information offset is determined by a processor located separately from the receiving unit and that communications are adjusted for the downlink (i.e., from the network to the receiving unit). Support for this amended claim is found in the Applicants' specification paragraphs 7, 20, and 26.

As discussed above, Hwang does not disclose a processor that is located separately from the receiving unit. In addition, Hwang discloses merely creating a power offset, not a feedback offset related to radio conditions between the wireless

communication network and the receiving unit. Hwang also does not adjust downlink communications. Therefore, the allowance of claim 26 is respectfully requested.

Claim 27 depends from amended claim 26 and recites further limitations in combination with the novel elements of claim 26. Therefore, the allowance of claim 27 is respectfully requested.

In regards to claim 28, claim 28 has been amended to distinguish the claimed invention from Malladi and Hwang. Claim 28 now recites that the feedback information is related to radio conditions between the wireless communications network and the receiving unit. In addition, claim 28 now recites that the processor is separate from the receiving unit and that communications are adjusted for the downlink (i.e., from the network to the receiving unit). Support for this amended claim is found in the Applicants' specification paragraphs 7, 20, and 26.

Hwang merely discloses determining a offset by the receiving unit rather than a separate processor located away from the receiving unit. This is distinctly different than the Applicants' invention which provides a separate processor which is not located with the receiving unit to determine an offset. In addition, Hwang merely discloses creating a power offset, not a feedback offset related to radio conditions between the wireless communication network and the receiving unit. Additionally, Hwang discloses adjusting the uplink communications (i.e., from the receiving unit to the network) rather than adjusting the downlink communications. Therefore, the allowance of claim 28 is respectfully requested.

Claims 29 and 30 depend from amended claim 28 and recite further limitations in combination with the novel elements of claim 28. Therefore, the allowance of claims 29 and 30 is respectfully requested.

The Examiner rejected claims 7-8, 11-14, 16, 18 and 31-32 under 35 U.S.C. § 103(a) as being unpatentable over Malladi in view of Hwang and further in view of Leslie (US 5,115,514). The Applicants have amended the claims to better distinguish the claimed invention from Malladi, Hwang and Leslie. The Examiner's consideration of the amended claims is respectfully requested.

In regards to claims 7-8, 11-14, 16, and 18, claim 1 has been amended to distinguish the claimed invention from Malladi, Hwang, and Leslie. Claim 1 now recites

that the feedback information is relates to radio conditions between the wireless communications network and the receiving unit. In addition, claim 1 now recites that the feedback information offset is determined by a feedback information processor separate from the receiving unit and that communications are adjusted for the downlink (i.e., from the network to the receiving unit). Support for this amended claim is found in the Applicants' specification paragraphs 7, 20, and 26.

As discussed above, Hwang merely discloses determining a offset by the receiving unit. This is distinctly different than the Applicants' invention which provides a separate processor which is not located with the receiving unit to determine an offset. In addition, Hwang discloses merely creating a power offset, not a feedback offset related to radio conditions between the wireless communication network and the receiving unit. Additionally, Hwang discloses adjusting the uplink communications (i.e., from the receiving unit to the network) rather than adjusting the downlink communications. Leslie does not provide any teaching or suggestion which makes up for the missing elements. Claims 7-8, 11-14, 16, and 18 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 7-8, 11-14, 16, and 18 is respectfully requested.

In regards to claims 31 and 32, claim 28 has been amended to distinguish the claimed invention from Malladi, Hwang, and Leslie. Claim 28 now recites that the feedback information is related to radio conditions between the wireless communications network and the receiving unit. In addition, claim 28 now recites that the processor is located separate from the receiving unit and that communications are adjusted for the downlink (i.e., from the network to the receiving unit). Support for this amended claim is found in the Applicants' specification paragraphs 7, 20, and 26.

Hwang merely discloses determining a offset by the receiving unit rather than a separate processor located away from the receiving unit. This is distinctly different than the Applicants' invention which provides a separate processor which is not located with the receiving unit to determine an offset. In addition, Hwang discloses merely creating a power offset, not a feedback offset related to radio conditions between the wireless communication network and the receiving unit. Additionally, Hwang discloses adjusting the uplink communications (i.e., from the receiving unit to the network) rather than

adjusting the downlink communications. Leslie does not provide any teaching or suggestion which makes up for the missing elements. Claims 31 and 32 depend from amended claim 28 and recite further limitations in combination with the novel elements of claim 28. Therefore, the allowance of claims 31 and 32 is respectfully requested.

## CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-32.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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